

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CR. NO. 10-249
	)	
vs.	)	
	)	
NATHAN DANIEL LARSON,	)	
	)	
Defendant.	)	

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December 7, 2012

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BEFORE: THE HONORABLE GERALD BRUCE LEE  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT: OFFICE OF THE UNITED STATES ATTORNEY  
BY: CAROL THOMPSON, ESQ.

FOR THE DEFENDANT: OFFICE OF THE FEDERAL PUBLIC DEFENDER  
BY: BROOKE RUPERT, ESQ.

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OFFICIAL COURT REPORTER: RENECIA A. WILSON, RMR, CRR  
U.S. District Court  
401 Courthouse Square  
Alexandria, VA 22314  
(703)501-1580

1 (Thereupon, the following was heard in open  
2 court at 9:27 a.m.)

3 THE CLERK: 1:10 criminal 249, United States  
4 versus Nathan Daniel Larson.

5 MS. THOMPSON: Good morning, Your Honor.  
6 Carol Thompson for the United States.

7 THE COURT: Good morning.

8 MS. RUPERT: Good morning, Your Honor.  
9 Brooke Rupert on behalf of Mr. Larson who is present.

10 THE COURT: Good morning, Ms. Rupert.

11 Good morning, Mr. Larson.

12 MR. LARSON: Good morning.

13 THE COURT: Ms. Rupert, I take it you and  
14 Mr. Larson have review the supervisory release violation?

15 MS. RUPERT: Yes, Your Honor. We have  
16 reviewed the petition.

17 THE COURT: And does he admits or deny the  
18 admission?

19 MS. RUPERT: Your Honor, Mr. Larson admits  
20 the violation. I would, however, like to clarify a  
21 statement within the petition.

22 THE COURT: Okay.

23 MS. RUPERT: The violation alleges  
24 communication with two convicted felons, one by letter  
25 and one by phone. The clarification comes with respect

1 to the phone conversation.

2 The petition alleges that Mr. Larson and an  
3 inmate discussed lying to Probation in order to get  
4 through supervision.

5 I have two points of clarification. I have  
6 provided a copy of the conversation yesterday. The  
7 statement that Mr. Larson should lie was not said  
8 explicitly. Neither parties to the conversation said  
9 anything about lying.

10 The person who made the statement that could  
11 potentially be construed as lying was not Mr. Larson. It  
12 was another inmate.

13 Mr. Larson mentioned that he had an  
14 appointment with a therapist the following day and that  
15 his appointments -- that would be his first appointment,  
16 that things had been delayed.

17 The other inmate said that Mr. Larson should  
18 just roll with it, that he's almost done. He'll be done  
19 soon. Keep the -- you know, essentially to keep the  
20 finish line in mind.

21 Mr. Larson acknowledged the statement before  
22 moving on to another topic.

23 THE COURT: All right, thank you.

24 Ms. Thompson, the government wants to be  
25 heard in this matter?

1 MS. THOMPSON: Your Honor, the government  
2 would agree with the representation just given by defense  
3 counsel and then unless Your Honor has anything further  
4 that was not already said in the papers.

5 THE COURT: Well, I just want to know if the  
6 government wants to be heard earlier. You don't have to  
7 if you don't want to.

8 MS. THOMPSON: No, response. No, Your Honor.  
9 Thank you.

10 THE COURT: All right, thank you.

11 Ms. Rupert, let me say out loud that there  
12 are several problems that I have, and I need  
13 Mr. Larson -- can you hear me, Mr. Larson?

14 MR. LARSON: Yes, sir.

15 THE COURT: I'm concerned about Mr. Larson's  
16 mental health on several levels. Number one, the  
17 original offense involves the President of the United  
18 States. That's number one.

19 Number two is concern about infatuation with  
20 children and sex.

21 Number three is this website and where that's  
22 headed. What does that portend for the future, and four,  
23 whether he will embrace the therapy that we're trying to  
24 give him because we're all worried about future conduct.

25 I can't punishment him for what his thoughts

1 are, and I don't want to do that. I can't punish him  
2 for his attractions. But I have to monitor them if  
3 they're risky behavior because I have a responsibility to  
4 the public to insure that, first of all, that he's not a  
5 danger to himself or anyone else.

6 And so, when I read things that have been  
7 read -- set forth here, suicide by a cop, when someone  
8 hears that out loud, Mr. Larson, the first thing we think  
9 is we have someone who has a mental health problem,  
10 someone who is even thinking about suicide and then to  
11 make the police or law enforcement officer to be a part  
12 of it by getting a gun -- I can't control what you do.  
13 You probably could get a gun. I don't know.

14 But I worry about it. And so, when you --  
15 when you manifested this behavior in that way, it makes  
16 me think what I got to do is protect the public and lock  
17 him up for a very, very long time.

18 So why shouldn't I do that?

19 MS. RUPERT: Your Honor, if I may consult  
20 with Mr. Larson about the statements you made before I  
21 make my --

22 THE COURT: Sure. Take as much as time as  
23 you need.

24 MS. RUPERT: Your Honor, Mr. Larson  
25 understands the Court's concerns. We submit, however,

1 that further incarceration is not the best way to address  
2 those concerns. Rather continued supervision is the best  
3 way to address those concerns. That way Mr. Larson can  
4 go about receiving the mental health treatment that he  
5 needs.

6 As the Court's aware, the Court does not have  
7 to revoke in this situation. This is not a violation  
8 that requires automatic revocation.

9 The Court can continue Mr. Larson on  
10 supervision, and we believe that's the best course of  
11 action.

12 As noted in our position paper, although  
13 there have been obstacles, Mr. Larson has faced obstacles  
14 on this go-round of supervision, he has made remarkable  
15 progress at this time. This progress has been remarked  
16 upon by his mother who is present in the courtroom today.

17 THE COURT: Where is his mother?

18 MS. RUPERT: (Indicating)

19 THE COURT: Okay, thank you for coming.

20 MS. RUPERT: She has noted a traumatic change  
21 in Mr. Larson this time. He's been much less depressed  
22 and much less angry and more helpful around the house.

23 Ms. Larson works and Mr. Larson has taken on  
24 a number of household chores. Ms. Larson has said that  
25 Mr. Larson has been a wonderful companion this time

1 around which was something she could not have said last  
2 time.

3 She has been able to take Mr. Larson to visit  
4 relatives, and she's noted that he has been able to  
5 reconnect with old friends. This is also different from  
6 the previous time of supervision.

7 Mr. Larson has committed to attending his  
8 mental health treatment. During our discussion just now,  
9 he said that he -- he takes the Court's comments to  
10 heart. He understands where the Court would express  
11 concerns, but he has no intent of harming himself or  
12 anyone else.

13 He will refocus and do what is required of  
14 him, including the therapy sections. And I will note in  
15 the petition notes that Mr. Larson has been compliant  
16 with the mental health treatments. He has not missed any  
17 sessions with the therapist or with the probation  
18 officer.

19 And, the Court referenced his, I guess,  
20 Internet project. It's a project that he's begun. It's  
21 called the Inclupedia. And like the name implies, it's  
22 said to be an Internet encyclopedia much like Wikipedia,  
23 however, more inclusive.

24 Mr. Larson, this has been a dream of his.  
25 When speaking with Mr. Larson about this project

1 yesterday, you could tell that he was very excited about  
2 it.

3 I'm unfortunately not as technologically  
4 savvy as he is, and I was asking questions about the  
5 project. And his face lit up when he was talking about  
6 it. He describes the project as both a mirror and a  
7 supplement to Wikipedia.

8 It's been a dream of his to work on something  
9 like this. As someone who loves to write and likes  
10 information sharing, this project is right down his  
11 alley. He's proud to work on and he's proud to have the  
12 support of people who are willing to back him into the  
13 software programing necessary for the project.

14 Working towards this has given Mr. Larson a  
15 brighter outlook. The Court mentioned some concerns with  
16 other interests of Mr. Larson.

17 As I described in our position, I think the  
18 two convicted felons that Mr. Larson was in contact with  
19 were sex offenders.

20 Mr. Larson was incarcerated at FCC  
21 Petersburg, a facility that has a high concentration. So  
22 many of the people that he met there, that was their  
23 offense of conviction.

24 In speaking with them and during his period  
25 of incarceration, he learned about the treatment of sex



1 offenders by the Bureau of Prisons and as well as a  
2 movement to revamp the sex offender guidelines and  
3 punishment with respect to that.

4 Mr. Larson all along has been an avid  
5 researcher and took to researching those issues, and I  
6 believe that's the context that these conversations and  
7 communications occurred in.

8 Mr. Larson himself has not been convicted of  
9 those crimes and is not interested in those things beyond  
10 intellectual research perspective.

11 Your Honor, Mr. Larson said yesterday that he  
12 thought about this violation during this period of  
13 detention. He thought about it from all perspective.

14 When he communicated with these -- these  
15 convicted felons, he had no intention of engaging in  
16 criminal activity or furthering criminal activity. And  
17 so that was not his intent.

18 But now looking at it, he understands why the  
19 condition is in place and agrees that he should have  
20 sought permission before speaking -- before communicating  
21 with those individuals.

22 Had he to do it over again, he would have  
23 requested permission and we would not have been here  
24 today.

25 We submit that additional incarceration is

1 not needed to drive home this point, Your Honor,  
2 Mr. Larson gets the points, and he gets it loud and  
3 clear.

4 And we also submit that it might be  
5 counterproductive to Mr. Larson given his mental health  
6 concerns and frankly given the nature of the violation  
7 which is association with convicted felons, sending  
8 Mr. Larson back to a facility would have him in  
9 contact -- constant contact with convicted felons.

10 We believe that continued supervision,  
11 however, is appropriate and will allow the Court to  
12 address any rehabilitative goals of sentencing. We  
13 believe that's appropriate here.

14 If the Court wants to have additional --  
15 additional supervision over Mr. Larson, we suggest  
16 perhaps coming back in a month or 6 weeks for a status to  
17 see how he's doing in the meantime.

18 THE COURT: All right. Mr. Larson, if you'd  
19 come to the podium with your lawyer, please.

20 Mr. Larson, is there any statement you want  
21 to make?

22 MR. LARSON: Yes, sir. I'm very sorry that I  
23 didn't get permission and that I didn't abide by the  
24 orders of my supervised release. And I'm also very sorry  
25 that -- about my life, the concern for alarming the Court

1 and my counselor.

2 I know that I overreacted to the situation  
3 when I was upset at some of the comments that she had  
4 made. And Mr. Keith came in and we talked about it with  
5 the counselor. And he brought to my attention, you know,  
6 those statements, you know, make the hairs on the back of  
7 people's necks stand up. And he said next time call him  
8 with my concerns and try to address it in a more  
9 constructive way. And so, I'm taking that to heart.

10 I apologize. I don't have any intent to harm  
11 anyone. I don't want to live the criminal lifestyle. I  
12 just want to focus on enjoying the companionship of my  
13 parents and working this project which is my dream.

14 I also -- I agree with what my attorney said  
15 that -- some of the things I've written on the Internet,  
16 sometimes I'll take the devil's advocate point of view.  
17 It doesn't necessarily mean that -- sometimes I'll engage  
18 in thought experiments just to see where things go. It  
19 doesn't necessarily mean that that's my fixed opinion.

20 And in the interview of my fellow prisoner, a  
21 lot of times, I challenge his thinking in that interview  
22 and I -- he had a very pro-pedophilic viewpoint, and I  
23 was asking him a lot of questions, you know, like how do  
24 you respond to arguments about -- how does, you know  
25 images might embarrass people later. They might feel bad

1 about them being out there.

2 So I think there might have been at least 10  
3 or 15 questions where I was really hitting hard on those  
4 points. And so, my goal is to benefit society.

5 It's -- and, I hope that the Court will give  
6 me another chance. I want to be respectful to my  
7 counselor. I'm committed to doing that and being  
8 cooperative.

9 You know the -- I've spent four days in jail  
10 this week and that's given me another taste of prison and  
11 I just really don't want to go back there. I really want  
12 to -- I really want to be a productive member of society.

13 I believe I have a lot of potential. I've  
14 been making progress. I've been developing code, gaining  
15 confidence at it. And I believe that the Inclupedia,  
16 this Internet company I'm building could be important for  
17 the world.

18 Again, I recognize that it's my fault that  
19 I'm here that -- I shouldn't -- it shouldn't have to take  
20 this to make me take seriously, you know, impact that my  
21 actions and my words cause on people.

22 But, you know, this arrest, this being put in  
23 jail again, you know, it's brought that home to me. And  
24 I'm very sincere about that. I really want to succeed.  
25 I want to get through this period of probation

1 successfully. And I want to be truthful to my probation  
2 officer, and I'm committed to doing that.

3 THE COURT: Mr. Larson, those are all the  
4 things I would hope you would say and hope you sincerely  
5 believe.

6 I told your lawyer and I wanted you to hear  
7 my thought process about all the information provided to  
8 me and my responsibility as a judge to insure, first,  
9 that you get mental health treatment, that you embrace it  
10 because it will help.

11 And, we've given you some freedom somewhat.  
12 It's restricted because we need to know what you're doing  
13 and where you are. And I really don't have any objection  
14 to your having opinions about politics, about history,  
15 about government or anything.

16 MR. LARSON: Uh-huh.

17 THE COURT: But when you start talking about  
18 sex with children and posting pictures of children in  
19 provocative poses in underwear, maybe not child  
20 pornography, but it's just odd that that would be a part  
21 of your website to me if your interest is to build  
22 something that everybody can participate in.

23 When I look on Wikipedia, there's so much  
24 information there. You start an encyclopedia at A and go  
25 to Z, pedophilia is so far down the line and pictures of

1 children in provocative poses is so far down the line  
2 that I'm not sure you could be there in 6 months or  
3 8 months.

4           So it's just strange and it's scary.  
5 Because I have on many Fridays people come before me who  
6 say that they were on the Internet looking for adult  
7 pornography and somehow stumbled upon child pornography  
8 and got fascinated with it.

9           And the federal law is five years in prison,  
10 ten years, very, very severe sentences that I'm imposing  
11 because we're concerned about people who want to traffic  
12 in and use that kind of material.

13           So in the back of my mind, I'm concerned  
14 about that, and I'm concerned about the suicide by cop  
15 issue. And so, it seems to me that there has to be a  
16 sanction imposed here.

17           And I do agree with you and your lawyer that  
18 additional treatment is necessary and additional  
19 supervision is necessary. But I want to provide  
20 additional treatment in a custodial setting.

21           So what I'm going to do is this. I'm going  
22 to find that you're in violation. I'm going to sentence  
23 you to 10 months in federal custody. I'm going to send  
24 you to FCI Butner. That's my recommendation to the  
25 Bureau of Prisons or a federal medical facility where you

1 can receive intensive psychiatric treatment.

2 When you're released, I'm going to keep you  
3 on supervised release for another 24 months.

4 Let me just say out loud. I don't want to  
5 keep you on supervised release any more than I have to.  
6 I really don't. But I'm going to extend the term for at  
7 least one year. It should be one year, for one year.

8 And, require when you come out that you be on  
9 GPS four or five months so we know where you're going and  
10 what you're doing.

11 The conditions that were previously imposed  
12 including mental health treatment remain and are amended  
13 to include not only participating in sex offender  
14 treatment and providing information to the probation  
15 officer but that you submit to polygraph testing as  
16 directed by the probation officer as part of the sex  
17 offender treatment, that you not possess and use a  
18 computer or online services without the prior approval of  
19 probation officer, including Internet service, public or  
20 private computer network.

21 I will allow you to participate in a computer  
22 monitoring program administered by the Probation Office  
23 which will require information to be monitored by  
24 computer software to any computer which you have access  
25 to which will monitor your activities on the Internet and

1 capture key strokes, e-mail, and other things.

2 And a notice will be placed on the computer  
3 to warn others of the existence of monitoring software.

4 You're not to have contact with children,  
5 female children or children -- let's say children, unless  
6 supervised by competent, informed adult approved in  
7 advance by the probation officer.

8 You're not to possess pornography of any  
9 kind, adult or otherwise, no pornography, period. And  
10 you must not participant in any voluntary positions  
11 involving children.

12 These conditions I think are warranted. Some  
13 sanction is warranted in hope that if you're able to come  
14 back and after 5 or 6 months and things are going well  
15 and if your probation officer thinks it's appropriate to  
16 end supervisory release, I'd be glad to do it.

17 MS. RUPERT: Your Honor, we object to the  
18 imposition of further incarceration. We also object to  
19 the additional conditions of supervision, particularly  
20 imposition of the sex offender treatment. Mr. Larson has  
21 not been convicted of a sex offense. We also object to  
22 the condition of the use of the computer.

23 THE COURT: All right.

24 MS. RUPERT: And we object to the length of  
25 the imposition of the additional incarceration.



1 MR. LARSON: I --

2 THE COURT: Thank you.

3 MR. LARSON: I also -- it's my understanding  
4 of 18 USC 3583 that the term of supervision that I served  
5 earlier or rather the incarceration, the 24 months that I  
6 served is supposed to be subtracted from the three-year  
7 maximum.

8 So it's supposed to be three years minus  
9 those two years. So that's the reason why my term of  
10 supervised release this time was one year.

11 And if I'm going to be serving ten more  
12 months in prison, then that would also be deducted. So  
13 that would get -- provide a maximum of two extra months  
14 of supervised release if I'm not mistaken.

15 THE COURT: All right. Well, you and your  
16 lawyer can submit a written brief describing that to me.  
17 And if you're right, then I'll do just what you say. And  
18 I'll hear it on any Friday. Thank you.

19 MS. RUPERT: Thank you, Your Honor.

20 (Proceedings concluded at 9:51 a.m.)

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CERTIFICATE OF REPORTER

I, Renecia Wilson, an official court reporter for the United State District Court of Virginia, Alexandria Division, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had upon the hearing in the case of United States of America vs. Nathan D. Larson.

I further certify that I was authorized and did report by stenotype the proceedings and evidence in said hearing, and that the foregoing pages, numbered 1 to 17, inclusive, constitute the official transcript of said proceedings as taken from my shorthand notes.

IN WITNESS WHEREOF, I have hereto subscribed my name this 19th day of December, 2012.

\_\_\_\_\_/s/  
Renecia Wilson, RMR, CRR  
Official Court Reporter